

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN

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IN RE:

HON. SCOTT W. DALES

April Thomas,

Case No. 17-04837-swd

Debtor(s).

Chapter 13

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**RESPONSE TO TRUSTEE'S REQUEST FOR TEXT ORDER DISMISSING CASE**

On July 2, 2018, the Chapter 13 Trustee in this Case filed a Motion to Dismiss for failure to turn over 2017 income tax returns and refunds. On August 16, 2018, the Chapter 13 Trustee filed a Certificate of No Response or Objection, and requested the entry of a text order dismissing the case. The Debtor responds to the Trustee's Motion to Dismiss, and requests that the case not be dismissed for the following reasons:

1. The Debtor is a single mother of two, who earns approximately \$16,000/year.
2. The Debtor filed this case to prevent foreclosure, and is working two jobs to make her Chapter 13 plan payments, which are regularly paid through payroll deduction.
3. The Debtor acknowledges that the requirement to turn over tax refunds in excess of \$3,600.00 is a requirement of her Chapter 13 plan that was clearly communicated by the Trustee and counsel.
4. Throughout the month of July, the Debtor attempted on at least two occasions to fax copies of her federal and state returns to counsel, however, such attempts were unsuccessful (as the fax messages were not received by counsel).
5. The Debtor used funds in excess of \$3,600.00 for necessary expenses, including but not limited to the purchase of an inexpensive used vehicle for transportation to and from work, and for auto and home repairs.
6. The Debtor, through counsel, has now provided returns to the Trustee, through the Trustee's documents system.
7. The Debtor, through counsel, will request to retain refunds in excess of \$3,600.00, by and through the Trustee's usual process, and if this case is not dismissed, expects that the Trustee will agree that the refunds were used for necessary expenses.
8. The Debtor understands her responsibility to promptly provide the Trustee with

required documents, and assures the court that she will fully abide by her responsibilities going forward.

9. The Debtor has updated her contact information with counsel, and will keep the same updated.

Respectfully submitted,

Dated: August 17, 2018

By: /s/ Kimberly L. Savage

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